IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 5258 of 2005

Between:

Salluri Posham, S/o. Papaiah,
R/o. Gudipalli Village, Mandamarri Mandal, Adilabad District.

..... PETITIONER

AND

Singareni Collieries Company Limited, S.R.P. Projects Division,
Srirampur Colony, Via Mancherial, Rep. by its General Manager.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, directing the Respondents to refer the petitioner to the Age Determination Committee for assessment of petitioner's age and consequently declare the action of the respondent in not referring the petitioner to the Age Determination Committee for assessment of age as illegal, arbitrary, violative of Article 14 of the Constitution of India and also in violation of the principles of natural justice.

Counsel for the Petitioner: MR.POTTIGARI SRIDHAR REDDY

Counsel for the Respondent: MR.NANDIGAM KRISHANA RAO

The Court, at the stage of admission, made the following :

ORDER:

This Writ Petition is filed by the petitioner seeking a writ of Mandamus directing the respondent to refer the petitioner to the Age Determination Committee for assessment of the petitioner's age and consequently declare that the action of the respondent in not referring the petitioner to the Age Determination Committee, as illegal, arbitrary and without jurisdiction.

According to the petitioner, he joined the service of the respondent company during 1975 at the age of 25. The petitioner is presently working as a Lineman in RK-5B incline of Srirampur area of the respondent company. While so, the respondent served a notice on the petitioner, dated 19.6.2004 stating that the petitioner would be attaining the age of superannuation i.e. 60 years, by 12.6.2005 and the petitioner would be retired on 30.6.2005. Immediately after receipt of the said notice, the petitioner sent a legal notice, dated 29.8.2004 disputing the correctness of the age as recorded in the service register. According to the petitioner, he is an illiterate and he cannot read or write either Telugu or English, but however, he could state that he was 25 years only as on the date of joining the service, but, however, his date was wrongly entered in the service register. Hence, the present writ petition.

The learned counsel for the petitioner contended that the case of the petitioner ought to have been referred to the Age Determination Committee for assessment of the petitioner's age and the non-compliance of the same is illegal and without jurisdiction.

Learned Standing Council for the respondent company, however, stated that the petitioner was explained about the age and other service particulars recorded in the service register on 24.11.1988, for which, the petitioner has admitted regarding the entry as to his age and accordingly affixed his thumb impression. Further, in the service register it is stated that the petitioner was aged 30 years as on 12.6.1975

when he was appointed as a Coal filler. Therefore, it is stated by the learned standing counsel that it is not open to the petitioner to dispute his age at the time when he was served with a notice for retirement.

Heard both sides and considered the material available on record.

Petitioner's date of birth was entered in the service register as early as in the year 1975 when he was taken into service of the respondent company. Admittedly, the petitioner claims to be an illiterate and therefore, his date of birth must have been determined by making a reference to the medical board. When the petitioner is not in a position to read either Telugu or English, it is not known how he could remember that his age was only 25 as on the date of recruitment. Further, the petitioner has admitted as to the correctness of the entry made in the service register and affixed his thumb mark as early as on 24.11.1988 and hence, it is not open for the petitioner to dispute the said date of birth entered in the service register as not correct.

In view of the above circumstances, the writ petition is devoid of merits and the same is accordingly dismissed. No costs.

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S. ANANDA REDDY,J

27th JUNE, 2005

Tsr.

To

1. The General Manager, Singareni Collieries Company Limited, S.R.P. Projects Division, Srirampur Colony, Via Mancherial, Adilabad District.

2. 2 C.D. copies